

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TRISTAN M. WHITEHEAD,

Plaintiff,

v.

Civil Action No. 3:08CV448

SETH WIRREKAH, et al.,

Defendants.

MEMORANDUM OPINION

On August 1, 2008, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed in forma pauperis. By Memorandum Order entered on August 21, 2008, the Court directed Plaintiff to pay an initial partial filing fee of \$52.98 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. See 28 U.S.C. § 1915(b)(1). Plaintiff responded by requesting to stay the present action, or alternatively to dismiss the action without prejudice. By Memorandum Order dated September 15, 2008, the Court denied Plaintiff's request to stay the action and ordered Plaintiff to comply with the August 21, 2008 Memorandum Order within eleven (11) days, or face dismissal without prejudice.

More than eleven (11) days have elapsed. Plaintiff has neither paid the initial partial filing fee nor averred that he can not pay such a fee. Therefore, Plaintiff is not entitled to proceed in forma pauperis. Plaintiff's disregard of the Court's

directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Plaintiff.

An appropriate Order shall issue.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Date: October 15, 2008
Richmond, Virginia